

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

**In re:**

**DENNIS E. HECKER**

**Case No. 09-50779-RJK**

**Debtor.**

**Chapter 7**

---

**HYUNDAI CAPITAL AMERICA,**

**ADV Pro. No. 09-05041**

**Plaintiff,**

**vs.**

**DENNIS E. HECKER,**

**Defendant.**

---

**NOTICE OF HEARING AND MOTION FOR AN ORDER STAYING THIS  
ADVERSARY PROCEEDING UNTIL THE CONCLUSION OF GRAND  
JURY PROCEEDINGS AND/OR ANY INDICTMENTS THE GRAND  
JURY ISSUES**

---

**TO: Plaintiff Hyundai Capital America, and its attorneys Seth Leventhal,  
David E. Runck and Connie A. Lahn of Fafinski, Mark & Johnson,  
P.A. Flagship Corporate Center, 775 Prairie Center Drive, Suite 400,  
Eden Prairie, MN 55344**

1. Defendant Dennis E. Hecker ("Hecker"), by and through his undersigned counsel, moves for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on these motions at 10:30 a.m., on October 21, 2009, in Courtroom 8 West, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota before the Honorable Robert J. Kressel.

3. Any response to this motion must be filed and delivered not later than October 16, 2009 which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than October 14, 2009, which is seven days before the time set for the hearing.

4. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§157 and 1334, Fed. R. Bankr. P. 5005, 7007 and 9013 and Local Rules 7007-1 and 9013-1 *et seq.*

5. These motions arise under 11 U.S.C. §§ 523 and Fed. R. Bankr. P. 7007, 7026, 9013 and Local Rules 7007-1 and 9013-2. This motion is filed under Fed. R. Bankr. P. 7007, 7026, 9013, and 9014 and Local Rules 7007-1 and 9013-1 *et seq.* Defendant Hecker requests the relief specified below.

### **MOTION**

6. Defendant Hecker moves this Court for an Order staying the above captioned Adversary Proceeding. Defendant Hecker makes this Motion because the United States Attorney for the District of Minnesota has convened a grand jury to determine if a criminal indictment should be issued arising out of, among other things, alleged unlawful conduct involving Chrysler Financial, the business operations of Hecker and various entities, and purported unlawful conduct of Hecker generally, all of which Hecker denies. In order to preserve the proper and effective exercise of Defendant Hecker's rights under the U.S. Constitution, including, but not limited to, his right to invoke Fifth Amendment testimonial privileges, Defendant Hecker moves that this Court issue an Order staying this

proceeding pending the termination of grand jury proceedings and any proceedings arising out of any indictment the grand jury issues.

7. This Motion will be based on the Defendant Hecker's Memorandum of Law in Support of the Motion, which will be filed in accordance with Local Rule 9006-1 (b).

8. The Court is authorized to grant this relief as an exercise of its equitable powers expressed in 11 U.S.C. § 105(a), Fed. R. Bankr. P. 7026 and by applicable federal case law.

Dated: October 7, 2009

**SKOLNICK & SHIFF, P.A.**

/e/ LuAnn M. Petricka  
William R. Skolnick #137182  
LuAnn M. Petricka #18505X  
527 Marquette Avenue South, #2100  
Minneapolis, MN 55402  
(612) 677-7600  
[wskolnick@skolnick-shiff.com](mailto:wskolnick@skolnick-shiff.com)  
[petricka@visi.com](mailto:petricka@visi.com)

**ATTORNEYS FOR DENNIS E.  
HECKER**